

Exhibit 2

Pages 1 - 60

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE JAMES DONATO

IN RE FACEBOOK BIOMETRIC)
INFORMATION PRIVACY LITIGATION) No. C 15-3747 JD
) San Francisco, California
) May 21 2018
) 10:00 a.m.

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

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Also Present: **Nikki Stitt Sokol**
Associate General Counsel - Facebook

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Monday - May 21, 2018

10:02 a.m.

P R O C E E D I N G S

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THE CLERK: Calling Case No. 15-3747, In Re Facebook Biometric Information Privacy Litigation.

Counsel?

MR. WILLIAMS: Good morning, your Honor. Shawn Williams, Robbins Geller Rudman and Dowd.

I'm also here with my colleagues Patrick Coughlin and John George from my firm, and Corban Rhodes from the Labaton firm, on behalf of plaintiff.

THE COURT: Okay.

MS. GOLDMAN: Good morning, your Honor. Lauren Goldman of Mayer Brown on behalf of Facebook.

I'm here today with Archis Parasharami, who I think you met before, who will be covering the class action notice issues; with my partner Vincent Connelly, who is one of the people who will be trying the case; and with Nikki Sokol from Facebook.

THE COURT: All right. Okay. We're going to power through the notice issue. Why don't you both -- both come on up.

All right. Now, let's talk about a couple of things first. Who is going to do what?

1 gatekeeping time; right?

2 **MR. PARASHARAMI:** Yeah. I wonder if that is,
3 unfortunately, way too small just because of the --

4 **THE COURT:** Let's talk about that.

5 How about -- you know, it's possible you could be on a
6 business trip or maybe a trial in the Northern District for two
7 months. How about --

8 **MR. WILLIAMS:** I think it's fair to say just a month.
9 If you're in Illinois for a month, that means that you have at
10 least some business or social issue that requires you to be
11 there, use the services of, you know, the state or city that
12 are available to you. And even if you don't have a plan to
13 stay forever or a year, that a month, I think, puts you in a
14 position where you're actually -- you're there and it's a
15 meaningful period of time.

16 **MR. PARASHARAMI:** There is sort of an indeterminacy
17 to that that I think is problematic.

18 And I guess the other point I would make is that this a
19 predicted home location. It's not as though we know for sure;
20 right?

21 So I guess my take is that if it's a relatively short
22 time, it's really not enough to know if they are there.

23 You know, I'm not trying to play games or anything like
24 that. I think it makes sense to have something that is, you
25 know, tied to other standards in the law.

1 So one example might be residency for tax purposes, which
2 is --

3 **THE COURT:** That's a year, though. That's too long.

4 **MR. PARASHARAMI:** Well, often they say 100- -- you
5 know, let's say over six months. 183 days is the IRS
6 requirement, just as an example.

7 I mean, I think, to me, that might be better than the
8 alternative of, like, one week or one month. There is --

9 **THE COURT:** Let's just think this through. Now, this
10 is notice. Okay? This is not writing checks. There is -- a
11 lot of things have to happen before that ever happens.

12 Now, it's okay to be -- throw a wider net, cast a wider
13 net for notice. It may be that we use a shorter time period
14 for notice, but should the day come -- and who knows, maybe it
15 won't, but should the day come that claim forms get submitted,
16 we tighten it up. And, you know, you -- if it's less than
17 three months, we'll just presume you were a transient and
18 you're not going to be eligible to get any of the damages that
19 might be awarded.

20 **MR. WILLIAMS:** I think that makes sense.

21 **THE COURT:** We could do it that way.

22 **MR. WILLIAMS:** I think it makes sense. Wider in the
23 beginning and narrow it later.

24 **THE COURT:** Okay. So -- yes.

25 **MR. PARASHARAMI:** I guess the other thing I would say

CERTIFICATE OF OFFICIAL REPORTER

I certify that the foregoing is a correct transcript from
the record of proceedings in the above-entitled matter.

Debra L. Pas

Debra L. Pas, CSR 11916, CRR, RMR, RPR

Tuesday, May 22, 2018